UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,052	11/21/2003	Cyril Houri	2054.006US2	3244

21186   7590   04/15/2008
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER
HALIM, SAHERA

ART UNIT	PAPER NUMBER
2157	

MAIL DATE	DELIVERY MODE
04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2008*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.
    4a) Of the above claim(s) *23-31* is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-22* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to communication filled on February 19,

2008.

2.   Claims 23 -31 have been cancelled.

3.   Claims 1-22 are pending.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4.   Claims 1-22 rejected on the ground of nonstatutory double patenting over

claim 1-22 of U. S. Patent No. 6,665,715 since the claims, if allowed, would

improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in
the patent and is covered by the patent since the patent and the application are
claiming common subject matter, as shown in the following chart.

Furthermore, there is no apparent reason why applicant was prevented
from presenting claims corresponding to those of the instant application during
prosecution of the application which matured into a patent. See *In re Schneller*,
397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Instant application 10721052	Patent No. 6,665,715
1) **A location tracking system for building a geographic location database of network nodes in a computer network comprising: a trace engine module configured to send trace Id commands to a plurality of user terminals, said trace engine module to obtain an IP address of each of said user terminals and its corresponding geographic location;** and **a database to store: IP addresses obtained by said trace engine module,** **a corresponding geographical location of the IP addresses obtained by said trace engine module; and** **a set of physical connections between the IP addresses obtained by said trace engine module.**	1) **A location tracking system for building a geographic location database of network nodes in a computer network comprising**: a **trace engine module configured to send trace Id commands to a plurality of user terminals,** wherein said user terminals are actively coupled to a server node and **said trace engine module obtains IP address of each of said user terminals and its corresponding geographic location,** a first **database** configured **to store IP addresses obtained by said trace engine module and their corresponding geographical location;** and a second database configured to store **a set of physical connections between IP addresses obtained by said trace engine module.**
2) **A location tracking system in accordance with claim 1, wherein a geographic location of each of said user terminals is stored in a user profile record, previously provided by a user of said user terminal.**	2) **A location tracking system in accordance with claim 1, wherein geographic location of each of said user terminals is stored in a user profile record, previously provided by a user of said user terminal.**

3) **A location tracking system in accordance with claim 1, wherein** the trace engine module is to send the trace Id commands to the plurality of user terminals connected **to a chat room server.**	3) **A location tracking system in accordance with claim 1, wherein said server is a chat room server.**
4**) A location tracking system in accordance with claim 1, wherein** the trace engine module is to send the trace Id commands to the plurality of user terminals connected to **a newsgroup server.**	4) **A location tracking system in accordance with claim 1, wherein said server is a newsgroup server.**
5) **A location tracking system in accordance with claim 2, wherein said database stores information corresponding to a plurality of Internet service providers along with their universal resource locator (URL) and geographic location.**	5) **A location tracking system in accordance with claim 2, wherein said** first **database stores a information corresponding to a plurality of Internet service providers along with their universal resource locator (URL) and geographic location**.
6) **A location tracking system in accordance with claim 5** wherein said database includes **a database of identifiable textual patterns corresponding to known host names and a geographical location corresponding to each one of said identifiable textual patterns.**	6) **A location tracking system in accordance with claim 5** further comprising **a database of identifiable textual patterns corresponding to known host names and a geographical location corresponding to each one of said identifiable textual patterns**.
7) **A location tracking system in accordance with claim 6 wherein said database of identifiable textual patterns stores patterns corresponding to known host names, along with their corresponding cities and states abbreviations, so as to allow said tracking system determine the geographic location of a host node when host name of said node** *includes* **one of said identifiable textual patterns and at least one of said state and city abbreviations.**	7) **A location tracking system in accordance with claim 6 wherein said database of identifiable textual patterns stores patterns corresponding to known host names, along with their corresponding cities and states abbreviations, so as to allow said tracking system determine the geographic location of a host node when host name of said node** *contains* **one of said identifiable textual patterns and at least one of said state and city abbreviations.**

8) A location tracking system in accordance with claim 6 further comprising a database management module configured to estimate the geographical location of an end user IP address obtained by said trace engine module.	**8) A location tracking system in accordance with claim 6 further comprising a database management module configured to estimate the geographical location of an end user IP address obtained by said trace engine module.**
9) **A location tracking system in accordance with claim 8** wherein the trace engine module **is to determine the geographical locations of end users who access** a particular **web site.**	9) **A location tracking system in accordance with claim 8** further comprising a web site coupled to said location tracking system, so as to **determine the geographical locations of end users who access said web site**.
10) A location tracking system in accordance with claim 9 further comprising a URL switch configured to provide a URL address to an end user terminal who accesses said web site wherein said URL address is associated with the geographical location of said user terminal.	**10) A location tracking system in accordance with claim 9 further comprising a URL switch configured to provide a URL address to an end user terminal who accesses said web site wherein said URL address is associated with the geographical location of said user terminal.**
11) **A location tracking system in accordance with claim 9** wherein the **database** is **further to store geographical locations of an end user who accessed said web site so as to prepare corresponding reports.**	11) **A location tracking system in accordance with claim 9 further** comprising a **database** configured **to store geographical locations of end user who accessed said web site so as to prepare corresponding reports.**

12) A method for building a geographic location database of network nodes in a computer network comprising:
        sending trace Id commands to a plurality of user terminals,
        obtaining an IP address of each of said user terminals and its corresponding geographic location; and
        storing in a database IP addresses obtained along with their corresponding geographical
	12) A method for building a geographic location database of network nodes in a computer network comprising: sending trace Id commands to a plurality of user terminals, wherein said user terminals are actively coupled to a server node so as **to obtain IP address of each of said user terminals and its corresponding geographic location,** storing in a first database, IP **addresses obtained along with their**

location; **a set of physical connections between the IP addresses obtained.** 13) **The method in accordance with claim 12,** wherein obtaining the IP address of each of said user terminals and its corresponding geographic location includes **retrieving information relating to geographic location of each of said user terminals from a user profile record, wherein said information was previously provided by a user of said user terminal.** 14) **The method in accordance with claim 12** wherein **sending trace Id commands includes sending a trace Id command to terminals communicating with a chat room server.** 15) **The method in accordance with claim 12** wherein **sending trace Id commands includes sending a trace Id commands to terminals communicating with a newsgroup server.** 16) **The method in accordance with claim 13** wherein **storing** in said **database** includes **information corresponding to a plurality of Internet service providers along with their universal resource locator (URL) and geographic location.** 17) **The method in accordance with claim 16** wherein **storing in** said **database** includes storing **identifiable textual patterns corresponding to known host names and a geographical location corresponding**	**corresponding geographical location; and storing in a second database, a set of physical connections between IP addresses obtained.** 13) **The method in accordance with claim 12,** further comprising the step of **retrieving information relating to geographic location of each of said user terminals from a user profile record, wherein said information was previously provided by a user of said user terminal.** 14) **The method in accordance with claim 12** further comprising the step **of sending trace Id command to terminals communicating with a chat room server.** 15) **The method in accordance with claim 12** further comprising the step of **sending trace Id commands to terminals communicating with a newsgroup server.** 16) **The method in accordance with claim 13** further comprising the step of **storing** in said first **database information corresponding to a plurality of Internet service providers along with their universal resource locator (URL) and geographic location.** 17) **The method in accordance with claim 16** further comprising the step of **storing in** a third **database identifiable textual patterns corresponding to known host names and a geographical location corresponding**

to each one of said identifiable textual patterns.	to each one of said identifiable textual patterns.
18) **The method in accordance with claim 17 wherein storing in said database includes storing identifiable textual pattern, a list of geographical location abbreviations each corresponding to at least one of said textual patterns.**	18) **The method in accordance with claim 17** further comprising the step of **storing in said database of identifiable textual pattern, a list of geographical location abbreviations each corresponding to at least one of said textual patterns.**
19) **The method in accordance with claim 17** wherein storing in said database includes **identifiable textual patterns, domain name of company networks, along with their geographical locations wherein the network nodes of the company networks reside.**	19) **The method in accordance with claim 17** further comprising the step of **storing in said database of identifiable textual patterns, domain name of company networks, along with their geographical locations wherein the network nodes of the company networks reside.**
20) **The method in accordance with claim 16** wherein obtaining the IP address of each of said user terminal and its corresponding geographic location includes **estimating the geographical location of an end user IP address obtained in response to said trace Id commands.**	20) **The method in accordance with claim 16** further comprising the step of **estimating the geographical location of an end user IP address obtained in response to said trace Id commands.**
21) **The method in accordance with claim 19** wherein obtaining the IP address of each of said user terminals and its corresponding geographic location includes **determining the geographical locations of end users who access a web site.**	21) **The method in accordance with claim 19** further comprising the step of **determining the geographical locations of end users who access a web site.**
22) **The method in accordance with claim 20** wherein obtaining the IP address of each of said user terminals and its corresponding geographic location includes **providing a URL address to an end user terminal who accesses said web site wherein said URL address is associated with the**	22) **The method in accordance with claim 20** further comprising the step of **providing a URL address to an end user terminal who accesses said web site wherein said URL address is associated with the geographical location of said user terminal.**

geographical location of said user terminal.	

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as

set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to SAHERA HALIM whose telephone number is

(571)272-4003. The examiner can normally be reached on M-F from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

Sahera Halim
Patent Examiner

/Ario Etienne/
Supervisory Patent Examiner, Art Unit 2157